

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are pending in this case. Claims 2-9 and 11 are amended only to correct informalities. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-9 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Foore, et al. (U.S. Patent No. 6,542,481, herein “Foore”) in view of Fensch, et al. (U.S. Patent No. 6,307,864, herein “Fensch”)¹; Claims 10 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thornberg, et al. (U.S. Patent No. 5,757,772, herein “Thornberg”) in view of Hamalainen, et al. (U.S. RE39,375, herein “Hamalainen”); and Claims 11 and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hamalainen in view of Soong, et al. (U.S. Pub. No. 2007/0224989, herein “Soong”).

Applicant respectfully traverses the rejections of the pending claims.

Response to Rejection of Claims 1-9 and 12

With regard to Claim 1, the outstanding Office Action asserts Foore as teaching every element except an amount-of-data information determining means “monitoring the data which are stored in said transmit buffer,” which it asserts Fensch as teaching.

Claim 1 recites a mobile station comprising, *inter alia*, “an amount-of-data information determining means...to **determine** communication-service-by-communication-service or transmit-channel-by-transmit-channel **amount-of-data information**; and a transmitting means for **transmitting** the communication-service-by-communication-service

¹ Claim 12 is not listed with Claims 1-9 at page 2 of the outstanding Office Action but is referenced at page 6 as rejected under the same grounds as Claim 1.

or transmit-channel-by-transmit-channel **amount-of-data information** determined by said amount-of-data information determining means **to a base station.”**

Foore describes dynamic bandwidth allocation. As described at the Abstract of Foore, channel resources are allocated according to a buffer monitoring scheme. As shown at Fig. 4 and discussed at column 6, lines 36-51, of Foore, the base station 104 “establishes and allocates a respective data buffer” in one-to-one correspondence with the number of subscriber units 101, asserted to teach a mobile station as defined by Claim 1. The cited portion of column 4 of Foore states that, for each buffer, a probability is calculated to indicate how often the buffer will need to transmit data and how much data will be transmitted.

However, as is clear from the description above, the **base station of Foore maintains the buffer and determines** “how often...a specific subscriber will need to transmit data and **how much data will be transmitted,**” as described at column 4. Thus, Foore does not teach or suggest a **mobile station “transmitting...amount-of-data information...to a base station”** at all, even if the asserted combination with Fensch were proper.

Further, Fensch does not cure the deficiencies of Foore discussed above and is not asserted to teach the transmitting means as defined by Claim 1.

Because, even in combination, Foore and Fensch fail to teach or suggest at least the above-discussed features of Claim 1, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2-9, which depend therefrom, be withdrawn.

Claim 12 recites, *inter alia*, “**transmitting the amount-of-data information...to a base station.”** Thus, for reasons similar to those discussed with regard to Claim 1, Foore and Fensch, even in combination, fail to teach or suggest at least the above-quoted features of Claim 12.

Accordingly, Applicant respectfully requests that the rejection of Claim 12 under 35 U.S.C. § 103(a) be withdrawn.

Response to Rejection of Claims 10 and 13

With regard to Claim 10, the outstanding Office Action asserts Thornberg as teaching every element except the notifying means, which it asserts Hamalainen as teaching.

Claim 10 recites a base station comprising, *inter alia*, “a receiving means for receiving communication-service-by-communication-service or transmit-channel-by-transmit-channel **amount-of-data information from a mobile station**; an assignment determining means for **determining assignment of radio resources** for data on a communication-service-by-communication-service or transmit-channel-by-transmit-channel basis **according to the** communication-service-by-communication-service or transmit-channel-by-transmit-channel **amount-of-data information received** by said receiving means.”

Thornberg describes packet switched radio channel (PRCH) traffic supervision. As described at column 4 of Thornberg, each base station establishes and terminates one or more PRCHs and can attach multiple mobile stations to a single PRCH within a single cell. The cited portion of Thornberg merely states that, to distinguish several mobile stations attached to a single PRCH, the mobile control node assigns each mobile a virtual connection identifier (VCI).

However, the assignment of this identifier, VCI, results from a mobile station being attached to a PRCH and, therefore, does not teach or suggest the base station “determining assignment,” as recited by Claim 10.

More significantly, nothing in Thornberg teaches or suggests that any mobile station transmits amount-of-data information to a base station. The outstanding Office Action cites Fig. 1 as teaching that feature of Claim 10. However, nothing about the interconnections between mobile stations, base stations, radio network controllers, and the mobile control node, as shown at Fig. 1, teaches or suggests a base station “**receiving communication-**

service-by-communication-service or transmit-channel-by-transmit-channel **amount-of-data information from a mobile station,**" as recited by Claim 10.

Further, Hamalainen does not cure the above-discussed deficiencies of Thornberg and is not asserted for the features discussed above as deficient in Thornberg.

Thus, Applicant respectfully requests that the rejection of Claim 10 under 35 U.S.C. § 103(a) be withdrawn.

Claim 13 recites, *inter alia*, "a **base station receives amount-of-data information...from a mobile station.**"

Thus, for reasons similar to those discussed above with regard to Claim 10, Thornberg and Hamalainen, even in combination, fail to teach every element of Claim 13, and Applicant respectfully requests that the rejection of Claim 13 under 35 U.S.C. § 103(a) be withdrawn.

Response to Rejection of Claims 11 and 14

With regard to Claim 11, the outstanding Office Action asserts Hamalainen as teaching every feature except the scheduler, which it asserts Soong as teaching.

Claim 11 recites a mobile station comprising, *inter alia*, "an **amount-of-data information determining means** for monitoring the data which are stored in said transmit buffer on a communication-service-by-communication-service basis or on a transmit-channel-by-transmit-channel basis so as **to determine** communication-service-by-communication-service or transmit-channel-by-transmit-channel **amount-of-data information**; and a **transmitting means** for **transmitting the** communication-service-by-communication-service or transmit-channel-by-transmit-channel **amount-of-data information** determined by said amount-of-data information determining means **to said base station.**"

The outstanding Office Action asserts claims 1 and 20 of Hamalainen as teaching the above-quoted features of Claim 11.

Hamalainen describes TDMA transmission. However, nothing in the reservation request channel, recited by Claims 1 or 20 of Hamalainen, or any other portion of Hamalainen teaches or suggests at least the mobile station “**transmitting the communication-service-by-communication-service or transmit-channel-by-transmit-channel amount-of-data information** determined by said amount-of-data information determining means **to said base station**,” as recited by Claim 11.

Soong does not cure the above-discussed deficiencies of Hamalainen and is not asserted for the features that are discussed above as deficient in Hamalainen.

Thus, Applicant respectfully requests that the rejection of Claim 11 under 35 U.S.C. § 103(a) be withdrawn.

Claim 14 recites, inter alia, “**transmitting the amount-of-data information...to a base station.**”

Thus, for reasons similar to those discussed above with regard to Claim 11, Hamalainen and Soong, even in combination, fail to teach every element of Claim 14, and Applicant respectfully requests that the rejection of Claim 14 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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